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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/148 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", in which the Assembly requested the Secretary-General to submit to it at its sixty-fifth session a report on the implementation of the resolution, with recommendations.

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I. Introduction

1. In its resolution 64/148, the General Assembly stated that it was alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies.

2. The General Assembly underlined the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination. It further stated that it was conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication.

3. In accordance with previous practice, the present report summarizes information received from various actors pursuant to General Assembly resolution 64/148. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent notes verbales to Member States and letters to various stakeholders, requesting information on the implementation of the resolution. Following the request for contributions, OHCHR received submissions from the following Member States: Azerbaijan, Colombia, Cyprus, Georgia, Jordan, Kazakhstan, Morocco, Paraguay, Romania, the Russian Federation, Serbia, Spain, Sweden, Switzerland, Ukraine and Uruguay. Contributions were also received from the Department of Public Information of the United Nations Secretariat, the Office of the United Nations High Commissioner for Refugees, the United Nations Office on Drugs and Crime, and the World Intellectual Property Organization. The original text of the contributions is available for consultation in the files of the Secretariat.

II. Contributions received

A. Member States

Azerbaijan

4. The Government of Azerbaijan pointed out that in March 2009 article 18 of its Constitution was amended through a referendum. The notion of "religious movement" was added to the text of article 18. Furthermore, article 48 was amended by a new paragraph 5, which reads as follows: "No person may be forced to express (manifest) his religion or belief, execute religious rites (ceremonies) or participate in religious rites (ceremonies)".

5. It was reported that the State Committee for Work with Religious Organizations is the principal executive body implementing policy concerning religion in the Republic of Azerbaijan and keeping links between religious communities and State organs. Under the chairmanship of the State Committee and with a view to strengthening dialogue on religious issues an Advisory Committee was created with participation of representatives from all religious confessions. The two bodies carry out many activities to prevent dissemination of materials in the

mass media which would lead to incitement to religious confrontation or intolerance.

Colombia

6. The Government of Colombia reported that ethnic groups benefit from assistance or partial subsidies in order to guarantee their right to health. To the same end, members of indigenous communities are not required to make any payment for the provision of health services and can form their own health promotion entities and institutions that provide health services in accordance with their customs. The Afro-Colombian population has access to the General System for Social Security and Health through a subsidized and contribution-based regime.

7. Through the General Framework, Guidelines for Public Policy and Technical Guidelines for Differentiated Attention related to the Family, Infancy and Adolescents from Ethnic Groups, ethnic groups receive differentiated treatment in relation to the protection of the rights of children and adolescents belonging to these groups. This is achieved while preserving the particularities of each community and respecting constitutional norms when it comes to comprehensive protection and the assurance of rights.

8. In order to strictly comply with ILO Convention No. 169, the Ministry of the Interior and Justice decided to withdraw the theme of "Previous Consultations with Ethnic Groups" from the then Directorate for Ethnicities and constitute a separate group with over 25 experts dedicated solely and exclusively to this theme. In order to consolidate "previous consultations" as a fundamental right of ethnic groups, a draft law is being developed that will regulate the process of such consultations.

9. With the aim of reducing poverty and improving living conditions, diverse indigenous communities have participated in programmes offered by the Presidential Agency for Social Action. Among these are infrastructure projects; food security projects; "Families in Action", which provides subsidies or transfers conditional to commitments regarding education and child nutrition; "Families *Guardabosques*", which offers social and technical assistance and an economic incentive for small-scale production of legal products and projects that contribute to sustainable management of the forests; and finally, comprehensive assistance to the displaced population.

Cyprus

10. Cyprus highlighted the development of a National Action Plan on Gender Equality for the years 2007-2013. The Plan aims at a holistic approach to gender equality issues and the implementation of gender mainstreaming in six priority areas: (a) equality in employment and vocational training; (b) promotion of gender equality in education, science and research; (c) promotion of equal participation and representation of men and women in the political, social and financial sector; (d) combating all forms of violence against women, including trafficking; (e) promotion of equal access to services and equal enjoyment of social rights for men and women; (f) changing stereotypes and forming a collective and social attitude towards women, as well.

11. Cyprus noted that in the field of discrimination, much emphasis is given to the building of a positive approach by police towards all individuals, regardless of their

culture and customs. Police training is seen as one of the most important areas, in which concrete, effective and proactive anti-discrimination measures can continue to be taken, in order to prevent and combat certain discriminatory phenomena related to the performance of policing duties.

12. Cyprus reported that it has achieved valuable and sustainable results: permanent horizontal networks, structural changes within the educational system and the police, training of teachers and police officers, a database and other information material.

Georgia

13. In May 2009, the Government of Georgia adopted the National Concept and Action Plan for Tolerance and Civil Integration. The Plan outlines national strategic considerations and defines objectives in six main areas, including rule of law, education and state language, media and access to information, political integration and civil participation, social and regional integration, culture and the preservation of identity. The first report on the implementation of the Plan has already been prepared by the Office of the State Minister for Reintegration. The report covers the period from May to December 2009 and describes measures taken by the relevant State agencies in the six areas mentioned above. The draft action plan for 2010 has been finalized and is expected to be adopted in the near future.

14. Georgia pointed out that it is taking appropriate steps in order to improve its national legislation, regulations and procedures to guarantee non-discrimination towards women. On 27 March 2010, the Law on Gender Equality was adopted by the Parliament of Georgia. It represents the legal and organizational framework for founding a national women's mechanism, the enhancement of women's protection, equality in the labour market and the improvement of political participation by women. Further, the law guarantees total and equal accessibility to medical services by the population in health protection and the social field without sex discrimination. The Law on Gender Equality also sets forth the principles of non-discrimination in domestic relations: in marriage or divorce, men and women enjoy the same private and property rights, including freedom of choice of surname, profession and type of activities and they are bound by the same obligations.

15. Georgia also noted that in March 2009, the National Communications Commission adopted a Code of Conduct for Broadcasters. The Code explicitly stipulates that broadcasters should seek to avoid making inaccurate or misleading claims promoting stereotypes, identifying people unnecessarily by their ethnic or religious background or making unsupported allegations that may further encourage discrimination or violence. Since 1 January 2010, the Media Development Foundation has been monitoring the coverage of national and religious minority-related issues in the Georgian-language media.

Jordan

16. Jordan highlighted the fact that it is working to fight extremism and to educate its people concerning all forms of destructive extremism. One way it does this is through the Educational Institution of Jordan. Fighting extremism is also carried out through the principles of the Jordanian Constitution, which has planted the concept of citizenship as a right of every Jordanian citizen and deepened the national

identity of rejecting violence and extremism as well as spreading the culture of tolerance and the acceptance of others.

17. Jordan noted that it provides for equal opportunity of education guaranteed by the Constitution and Jordanian legislation. The Minister of Education signed a memorandum of understanding with the National Commission of Human Rights to enhance education of human rights in 2009, which is aimed at developing cooperation and coordination between human rights and education through messages of awareness-raising, research, workshops and conferences.

18. In its school curriculum, at all levels, the Government of Jordan puts an important emphasis on the education of human rights. Jordan noted that 84 government schools, 10 UNRWA schools, as well as its private schools are partners to the United Nations Educational, Scientific and Cultural Organization. They carry out different activities on the values of tolerance and reject racial and religious extremism while working towards assuring a better understanding of other cultures through these activities.

Kazakhstan

19. Kazakhstan highlighted the multi-ethnic nature of the country combined with a positive experience in intercultural dialogue and collaboration. Discrimination is prohibited by the Constitution in its article 14 as well as by different legislative acts, for example, on public associations, political parties, the mass media, culture, citizenship, the Assembly of the People Act and the Government Service Act.

20. Measures to combat discrimination are featured in legislation guaranteeing human rights in the different administrative sectors, such as education, labour, health care, legal proceedings and social protection. Furthermore, the Criminal Code contains a specific article on offences against human peace and security, listing crimes involving the incitement of social, national, ethnic, racial or religious enmity. The Code of Administrative Offences contains a provision increasing the liability of administrative offences motivated by ethnic, racial or religious hatred or enmity.

21. In May 2009, the Head of State approved the National Plan of Action on Human Rights in Kazakhstan (2009-2012), which includes several measures to harmonize national legislation with the provisions of the Durban Declaration on the elimination of all forms of racism.

22. Among the institutions involved in implementing anti-discrimination policy, Kazakhstan highlighted the Human Rights Commission, operating under the supervision of the President. Another important political institution is the Assembly of the People of Kazakhstan, whose duties include enhancing collaboration between State and civil institutions in the area of inter-ethnic relations.

23. The Act on the Languages of Kazakhstan as well as the State Programme for the Use and Development of Languages (2001-2010) provide for the right of ethnic groups to learn their native languages in preschools and schools, and measures are taken to implement that right.

Morocco

24. Morocco pointed out that chapter V of the Moroccan Constitution provides for equality. Furthermore, under article 431-1 of the 2003 Criminal Code, discrimination is

punishable by imprisonment for a period between one month to two years and with a fine ranging from 1,200 to 50,000 Moroccan dirhams. It also highlighted that article 9 of the Labour Code prohibits all forms of discrimination.

25. Morocco noted that its legislation governing the media and associations and the Political Parties Act have been amended to include explicit provisions prohibiting discrimination. Thus, article 4 of the Political Parties Act 36-04 promulgated in 2007 prohibits the establishment of any political party that is based on a particular religion, language, race or region or, in general terms, on postulates that are discriminatory or contrary to human rights. Moreover, article 3 of the Associations Act stipulates that any association constituted on a racial basis or with the aim of promoting any form of incitement to discrimination shall be considered illegal. Further, article 39 bis of the Press Code, as amended on 3 October 2002, condemns and prohibits incitement to racial discrimination in the mass media, public discourse, during public assemblies or in public places.

26. In early 2009, Morocco also launched a national plan for democracy and human rights, the objective of which is to consolidate democracy-building, to incorporate human rights principles in the public policy of all branches of the government, to strengthen human rights, to promote sustainable development and to encourage investment in a variety of areas.

Paraguay

27. The Government of Paraguay noted that the Constitution expressly recognizes multiculturalism. Chapter V of Title I of the Constitution, concerning indigenous peoples, enshrines specific rights based on indigenous customary law; chapter III, on equality, prohibits all forms of discrimination in Paraguay and establishes the admissibility of affirmative action measures; chapter VII, on education and culture, prohibits the inclusion of discriminatory provisions in educational materials.

28. Paraguay also pointed out the existence of a draft bill which outlaws all forms of discrimination, sponsored by a group of non-governmental organizations. The bill is currently before the National Senate pending ratification.

29. It also took several measures for indigenous peoples in terms of access to justice, including ethnic rights, the prison system, and literacy training for indigenous peoples in prison and political rights and the exercise of citizenship. In this regard and in order to guarantee human rights and fundamental freedoms, an Ethnic Rights Department has been established within the Public Prosecutor's Office.

Romania

30. Romania reported that the National Council for Combating Discrimination has developed and published the National Strategy for implementing measures on preventing and combating discrimination for the period 2007-2013, approved by the National Council for Combating Discrimination Presidential Order No. 286 in 2007.

31. Romania highlighted its law No. 4/2008, which is directed at the prevention and combating of violence in sport competitions and games. Article 36, paragraph 1, states that the use of the sports arena of fascist, racist or xenophobic symbols, and the dissemination or possession in order to disseminate such symbols in the sports arena constitutes a crime.

32. Romania noted that it has several criminal code provisions that were instituted to effectively penalize racially motivated behaviours or intolerance as well as racially motivated violence and xenophobia. Further, the Ministry of Education, Research, Youth and Sport adopted, in 2007, Order No. 1549 and 1529 regarding desegregation in schools and the promotion of diversity in education.

Russian Federation

33. The Russian Federation pointed out that its Constitution prohibits all forms of discrimination. With regard to article 19 on equality, it was stressed that the list of prohibited grounds is not an exhaustive one. Article 13, paragraph 5, prohibits the creation and activities of public associations the aims and actions of which are to instigate social, racial, national and religious hatred. Furthermore, the Russian Federation highlighted articles 19 (2), on propaganda or incitement to social, racial, national or religious hatred; 28, on freedom of conscience and religion; 26, on the right to determine and indicate one's nationality, and the right to use one's native language.

34. The Government also referred to Federal Law No. 114-FZ of 25 July 2002 on measures to counter extremist activities. Moreover, article 20.29 of the Administrative Offences Code envisages penalties for the production and distribution of extremist materials. The Russian Federation also highlighted a number of provisions in its Criminal Code to protect against acts of racial, national and religious discrimination.

35. The Government noted that Presidential Decree No. 1316 of 6 September 2008 on issues concerning the Ministry of Internal Affairs, and the related orders and regulations, established a department to combat extremism within the Ministry and specialized divisions, centres and groups, within the regional internal affairs bodies.

36. The Russian Federation pointed out that special attention is devoted to the education of law enforcement officials about issues related to culture and tradition. In the Code of Professional Ethics of the internal affairs agencies of 24 December 2008, it is stated that the highest moral purpose in the official duties of a staff member is to protect the person, his or her life and health, honour and personal dignity, inalienable rights and freedoms.

37. The Government also reported on a number of activities for the promotion of tolerance. Current projects for the formation of a tolerant attitude among young people are implemented under the Federal Programme for the Development of Education 2006-2010.

Serbia

38. Serbia noted that the National Youth Strategy, among others, provides for equal opportunities for development of young people, considering their equal rights in accordance with their needs, personal choices and abilities. It was pointed out that young Roma have been identified as a particularly sensitive group, including exposure to poverty due to a high level of illiteracy, insufficient inclusion in the school system and high unemployment rates.

39. Serbia reported that in 2008, the Ministry of Youth and Sports, together with the Water Polo Association of Serbia and Faculty of Dramatic Arts started the campaign "Character against violence". In October 2009, the Ministry, together with

the Council of Europe, organized the biggest European Conference on the prevention of racism and violence through the promotion of diversity in sports.

40. Serbia reported that legal, judicial, regulatory and administrative measures for the prevention and protection from acts of racism, racial discrimination, xenophobia and related intolerance are carried out within the framework of the Constitution, as well as within the Law on Prohibition of Discrimination; the Law on Gender Equality; the Criminal and Labour Codes.

41. Serbia pointed out that in the field of public information, the Law on Gender Equality prescribes that information may not contain or incite gender-based discrimination. This obligation relates to all forms of advertisements and advertising materials.

Spain

42. Spain noted that following the Plan on Human Rights, approved in 2008, "Plan La Medida 47" implemented a national strategy to fight racism and xenophobia, emphasizing in particular awareness-raising for law enforcement officials, the media and, at the local level, city halls. That plan aims at elaborating and distributing guidebooks on equality of treatment, discrimination, and migrants issues.

43. Spain reported that its Centre for Anti-discrimination Remedies (Centro de Recursos Antidiscriminación) had been created. It provides a database accessible through the Internet, giving access to the details of all entities working in the area of discrimination and the possible remedies available.

44. Spain noted that the Spanish Observatory on Racism and Xenophobia annually presents the study called "Attitudes regarding racial or ethnic discrimination", which provides updated information of these phenomena in order to formulate actions and projects regarding the fight against racism and xenophobia.

Sweden

45. Sweden highlighted the fact that the fight against all forms of discrimination, including multiple discrimination, is one of the key human rights objectives of the Government. The most extensive initiative to achieve that goal in recent years is the new Anti-discrimination Act, which entered into force on 1 January 2009. The Act includes protection against discrimination on the five previously protected grounds; i.e., sex, ethnic origin, religion or other belief, disability and sexual orientation. It also adds two new grounds — age and transgender identity or expression.

46. Sweden noted that in conjunction with the adoption of the new Anti-discrimination Act, a new agency was established by merging the four previous anti-discrimination ombudsmen into a new body, namely, the Equality Ombudsman, who is mandated to supervise compliance with the Anti-discrimination Act and to combat discrimination and promote equal rights and opportunities for everyone.

47. Sweden noted that its penal code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation; one relating to agitation against a national or ethnic group, the other to unlawful discrimination. The Code also contains a specific clause which states that, when assessing the penal value of a crime, it shall be considered an aggravating circumstance if the motive of a crime

was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance.

48. Sweden reported that combating hate crime has been ascribed a high priority by judicial bodies, including courts, prosecutorial and police authorities. The National Police Board has produced manuals aimed at encouraging police to take victim-support measures early in the investigative process that improve opportunities for the police to solve crimes.

49. Sweden highlighted that it has also taken steps to reform its policy on national minorities. A new bill "From Recognition to Empowerment — the Government's Strategy for National Minorities", adopted in 2009, contains a number of initiatives to improve the situation of national minorities. These initiatives include a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010; new obligations for municipalities and government agencies to actively promote national minority languages and culture, measures to improve the participation of national minorities in decision-making processes and measures to actively promote and revitalize national minority languages.

Switzerland

50. Switzerland pointed out that its Service for the Fight against Racism, which has financed more than 850 projects nationwide, currently implements a monitoring system on racism, xenophobia and discrimination. In 2010, in cooperation with other offices of the Federal Administration, the Service will launch a pilot project for a survey on racism and xenophobia for a period of five years.

51. Since 2008, strong collaboration between the Service for the Fight against Racism, the Federal Commission against Racism, Humanrights.ch and other services providing consultation in cases of racism has led to monitoring projects on cases concerning racism and the development of an online database that follows up on the cases.

52. The Federal Commission against Racism provides the cantons and cities with consultations and expertise.

53. In 2009, the Federal Commission against Racism produced a study on anti-discrimination legislation in Switzerland, highlighting the gaps in the fight against racism and making recommendations to improve and consolidate Swiss legislation in that matter.

Syrian Arab Republic

54. The Government of the Syrian Arab Republic pointed out that anyone who commits an offence involving discrimination is liable to prosecution under Syrian law. It referred to article 307, among others, of the Syrian Criminal Code of 1949 that provides for the prosecution of any act, writing or speech that has as its aim or consequence the fuelling of communal or racial fanaticism or the sowing of discord between communities or between the different elements of which the nation is composed. Article 308 of the Code provides for the prosecution of any member of an association established for the purpose indicated in article 307. Moreover, articles 69 and 109 of the Criminal Code provide for the dissolution of the

association and the confiscation of its property. No case, complaint or legal judgement concerning racial discrimination has been recorded in the country.

55. The Ministry of Education has begun to review, appraise, develop and modernize educational curricula. With regard to the fight against racism, the Ministry of Education has developed various syllabi to address the need to be open and combat discrimination. Furthermore, the Government has accorded special importance to developing a human rights culture and to the establishment of an institutional framework and amendment of existing legislation in its five-year plan. Some of its activities during the five-year plan include amending legislation pertaining to economic and civil rights; training journalists and media employees to disseminate and defend human rights and to understand relevant constitutional articles and international human rights instruments and treaties; strengthening the institutional framework; the enhancement of the capacities of the members of the Cabinet's Higher Committee on Human Rights and the development of a programme of action for its activities.

Ukraine

56. Ukraine guarantees to all ethnic groups residing in its territory equal political, economic, social and cultural rights. The Constitution contains a non-exhaustive list of human rights and fundamental freedoms. Article 24 of the Constitution envisages that there shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics. Moreover, article 37 prohibits the establishment and activities of political parties and public associations if their programme goals or actions are aimed at the propaganda of war and violence, the incitement of inter-ethnic, racial or religious enmity, and encroachments on human rights and freedoms.

57. Several laws, such as the ones on local self-governance; on associations of citizens; on printed mass media; and on national minorities contain provisions which prohibit discrimination on different grounds. The Cabinet of Ministers of Ukraine plans to introduce in the near future to the Supreme Rada of Ukraine a draft law "Concept of State Ethno-national Policy of Ukraine", which will establish the main principles of the comprehensive State policy on inter-ethnic relations.

58. In April 2008, an inter-ministerial Working Group was established to counter inter-ethnic and racial intolerance. The Working Group developed an Action Plan on countering manifestations of xenophobia, racial and ethnic discrimination in Ukrainian society for the period 2010-2012.

Uruguay

59. Uruguay noted the strengthening of its national Plan against Racism and Discrimination. In its report for the Universal Periodic Review, this year, Uruguay committed to devising a National Plan to fight against every form of discrimination.

60. Uruguay noted that as part of the fight against discrimination, in 2006, the Department of Education and Culture established the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination.

61. Uruguay also pointed out that among others, a substantive step worth mentioning is the 2006 approval of law 18.059 declaring 3 December the "National

Day of the Candombe, the Uruguayan Afro-culture and racial equity". Another advancement, among many others, is training on ethnic-racial dimensions that is directed towards educating students, future diplomats, and the police, in agreement with the Government of Uruguay.

62. In the fight against racism, Uruguay is devising the National Plan against racism and discrimination, through a participatory process of national outreach with a focus on human rights. It is also working towards strengthening the organizations representing people who are discriminated against in Uruguay.

B. United Nations entities

Department of Public Information

63. The Department of Public Information reported that it undertakes many activities that support efforts to eliminate racism, racial discrimination, xenophobia and related intolerance around the world. It reported that in the lead-up to, during and after the Durban Review Conference in April 2009, the Department assisted the Office of the United Nations High Commissioner for Human Rights in its efforts to raise awareness about the Conference. Activities included the creation of the official Conference website; proactive media outreach (organizing press conferences and interviews); seminars with civil society; the development of radio and television programmes in various languages; the translation and placement of op-ed pieces by both the High Commissioner for Human Rights and the Secretary-General on the outcome of the Durban Review Conference in publications in Austria, Brazil, Burkina Faso, Dubai, Egypt, Ghana, Hungary, India, Kenya, Paraguay, Portugal, the Russian Federation and Slovenia; and the translation of key documents into official and local languages.

64. The Department reported that its annual Unlearning Intolerance seminar series examines different manifestations of intolerance and suggests ways to promote respect and understanding among peoples. The series offers opportunities to discuss how intolerance can be "unlearned" through education, inclusion and example. Hatred, prejudice, racism and incitement to violence were among the themes examined in depth at a seminar entitled, "Cyber Hate: Danger in Cyber Space" organized by the Department in June 2009.

65. In March 2010, the Department organized the annual observance of the International Day of Remembrance of Victims of Slavery and the Transatlantic Slave Trade, which included a film screening of Slave Routes: Resistance, Abolition and Creative Progress, an exhibit and assistance with a special Commemorative Meeting of the General Assembly.

66. The Department reported that its network of 63 United Nations Information Centres carried out many activities to promote the elimination of racism, racial discrimination, xenophobia and related intolerance around the world. An op-ed piece by the High Commissioner for Human Rights on caste-based discrimination in October 2009 was placed by United Nations Information Centres in newspapers around the world.

Office of the United Nations High Commissioner for Refugees

67. The United Nations High Commissioner for Refugees (UNHCR) continuously supports efforts to increase public awareness and initiate dialogue on the issue of racism and related intolerance in different spheres through engaging in partnerships and supporting initiatives launched by civil society.

68. UNHCR offices, both in countries of origin and of asylum, have been encouraged to continue to work with relevant government counterparts, non-governmental organizations and intergovernmental organization partners to raise awareness of the problem of racism and xenophobia against refugees, asylum-seekers, returnees, and stateless and internally displaced persons. The refugee-related paragraphs in the Durban Declaration and Programme of Action provide a frame for these efforts and for specific activities through which to build capacity in this area. Since the 2001 World Conference, UNHCR has more systematically incorporated anti-xenophobic efforts into its operations worldwide. For example, in December 2009, UNHCR issued a note entitled "Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach". The UNHCR strategic approach emphasizes seven elements that are usually required in order to effectively address such phenomena, taking into consideration the particular situation of persons of concern to UNHCR, namely: (a) monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes; (b) analysing the underlying reasons; (c) assessing the manifestations of these phenomena and their impact on protection; (d) understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination; (e) engaging a network of diverse organizations and actors that implement complementary activities targeting different groups in society; (f) including affected communities in the strategic approach; and (g) providing individual support to victims.

69. Several countries have launched creative awareness-raising campaigns in cooperation with UNHCR to "roll back xenophobia" and a number of regional organizations are implementing programmes that promote tolerance towards and respect for foreigners, including refugees. UNHCR is engaged in a variety of other anti-discrimination activities. For instance, within the United Nations human rights network, UNHCR, along with other bodies, contributes to the work of the Committee on the Elimination of Racial Discrimination. Moreover, UNHCR gives direct support to individuals who are the victims of crimes motivated by racism or xenophobia, such as by providing legal aid and counselling. UNHCR also strives to promote its anti-xenophobic efforts in developing countries, forging closer partnerships with academia and other elements of civil society, as well as international organizations. Haunted by a wave of xenophobic violence that forced tens of thousands of people to flee their homes in South Africa in 2008, UNHCR is supporting efforts to combat the scourge.

United Nations Office on Drugs and Crime

70. The United Nations Office on Drugs and Crime (UNODC) pointed out that in accordance with the United Nations Global Counter-Terrorism Strategy, all counter-terrorism technical assistance activities of UNODC promote a strong criminal justice-based approach, guided by the normative framework provided by the universal legal regime against terrorism and implemented in full compliance with

the rule of law and human rights, including prohibition of discrimination in purpose or effect on grounds of race, colour, descent or national or ethnic origin.

71. UNODC also reported that the rule of law-based and human rights-compliant response to terrorism is also facilitated through a number of technical assistance tools which UNODC has developed and which are available in the six official languages of the United Nations.

World Intellectual Property Organization

72. The World Intellectual Property Organization (WIPO) pointed out that the organization has a number of mechanisms in place to prevent and eliminate acts of discrimination. Staff regulation 4.7 states that when recruiting staff, no distinctions shall be made on the basis of race, sex or religion. WIPO has further issued policy statements, more particularly a "Statement on Harassment at Work", as well as Staff Regulations and Staff Rules which condemn any form of discrimination or harassment. An Ombudsman (Mediator) has the power to detect and eradicate discriminatory acts that occur within the organization, and the Joint Grievance Panel has the authority to judge internal incidents of racial intolerance.

III. Update on activities

73. Below is a summary of various developments which have taken place since the submission of the previous report (A/64/309).

A. Office of the United Nations High Commissioner for Human Rights

74. Following the Durban Review Conference, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Task Force on Durban Follow-up was set up by the High Commissioner for Human Rights to streamline and accelerate implementation of recommendations, in particular those addressed to OHCHR, as contained in the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference and the respective resolutions of the General Assembly and the Human Rights Council. The Anti-Discrimination Section of OHCHR was also strengthened and enhanced.

75. Countering discrimination, racial discrimination in particular has been identified by OHCHR as one of its six priorities for the biennium 2010-2011. The Strategic Management Plan of OHCHR envisages activities for the implementation of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference. The strategy focuses, among others, on human rights instruments and respective harmonization of national legislations, justice and accountability mechanisms, enhanced national protection systems, empowerment of victims, raising public awareness through a global information campaign.

76. OHCHR has been elaborating practical policy tools for combating racism, racial discrimination, xenophobia and related intolerance. These tools focus, inter alia, on legislative measures and on national action plans against racial discrimination. Between 29 September and 1 October 2009, OHCHR, in collaboration with the Organisation Internationale de la Francophonie, organized a regional workshop for Central African countries on the elaboration of national

action plans and other good practices in the fight against racial discrimination and related intolerance. The workshop was held in Yaounde and brought together over 40 representatives of governmental and non-governmental sectors in the region. The workshop in Yaoundé resulted in a number of positive recommendations on the practical ways of elaborating the action plans in the Central African region, and demonstrated to the various stakeholders the need to work together to achieve this objective. In the follow-up to the workshop, discussions initiated in a number of countries on the elaboration of national action plans.

77. On 14 October 2009, as part of the partnership between OHCHR and the European Union, a seminar was jointly organized in Brussels on the issue of discrimination, focusing specifically on gender-based discrimination, racial discrimination and discrimination based on disability. The panel on racial and ethnic discrimination highlighted the plight of two communities — people of African and Arab descent — that have recently become more active in the struggle against stereotypes, prejudice and bigotry. The panel also examined good practices by the European Union in terms of its internal and external measures to fight racial discrimination.

78. Between 8 and 10 December 2009, OHCHR organized a regional workshop, in collaboration with the Organisation Internationale de la Francophonie, for the French-speaking States of West Africa on the elaboration of national action plans against racial discrimination and related intolerance. The event brought together actors from government, civil society and national human rights institutions. The workshop resulted in the drafting of concrete recommendations on strategies to adopt in order to develop comprehensive national action plans. As a result of the workshop, some Member States from the region have approached OHCHR to assist them to elaborate national action plans. Furthermore, following a request by the Government of Uruguay, OHCHR contributed to a national seminar to launch the Uruguayan National Action Plan, which was held from 8 to 10 December 2009 in Montevideo.

79. From 3 to 5 May 2010, OHCHR organized in Rio de Janeiro, Brazil, a regional seminar on issues pertinent to data collection and use of indicators to promote and monitor racial equality and non-discrimination in the region. The seminar highlighted that the number of people of African descent and indigenous peoples has frequently been underestimated in national censuses as a result of social exclusion dating from the colonial era. The event brought together representatives of Governments from Latin America and the Caribbean, United Nations experts, academia, human rights institutions, national statistical institutions, indigenous peoples and people of African descent.

80. OHCHR has continued to enhance collaboration with international organizations on the anti-discrimination agenda, in particular with the UNESCO Struggle against Discrimination and Racism Section. A number of issues were addressed, including education on racism in schools; training of local municipalities within the realm of the International Coalition of Cities against Racism project and participating in the next Coalition Conference; national action plans; and racism and sports.

81. Furthermore, a global information campaign "Embrace Diversity, End Discrimination" was launched by the High Commissioner on Human Rights Day, 10 December 2009, in Pretoria, South Africa. In March 2010, two events were

organized to commemorate 21 March, the International Day for the Elimination of Racial Discrimination. Two films were screened and a panel discussion held, all focusing on the theme of racism in sport under the slogan of "Disqualify Racism".

82. In its resolution 64/169, the General Assembly proclaimed the year beginning on 1 January 2011 the International Year for People of African Descent. Further details can be found in the report submitted at the sixty-fifth session of the General Assembly that contains a compilation of the responses received from Member States and other parties and a draft programme of activities for the International Year.

B. Committee on the Elimination of Racial Discrimination

83. During its seventy-fifth and seventy-sixth session, held at Geneva from 3 to 28 August 2009 and from 15 February to 12 March 2010, respectively, the Committee on the Elimination of Racial Discrimination adopted concluding observations and recommendations on 22 periodic reports of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

84. The Committee followed up on the implementation of its relevant recommendations through continuing correspondence with the respective States parties and encouraged reporting efforts by States parties whose initial or periodic reports were seriously overdue. The Committee recommended that each State party with which it held a dialogue on the implementation of the Convention give effect to the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held at Geneva in April 2009, and to include in its next periodic report information on national action plans or other measures taken in this regard. The Committee also referred the State parties to its General Recommendation No. 33 on the follow-up to the Durban Review Conference, adopted at its seventy-fifth session, in August 2009.

85. Under its early warning and urgent action procedure, the Committee considered a number of situations relating to patterns of discrimination on the grounds of ethnicity, indigenous rights and discrimination against the Roma, as well as legislative developments with a potential to undermine rights enshrined in the Convention.

86. At its seventy-fifth session, the Committee also adopted General Recommendation No. 32 on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

C. Durban follow-up mechanisms

87. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its seventh session from 5 to 16 October 2009. The Ambassador of Djibouti, H.E. Mohamed Siad Douale, Permanent Representative of Djibouti, was elected as the new Chair-Rapporteur. The summaries of the deliberations and the adopted conclusions and recommendations can be found in the report on the session (A/HRC/13/60).

88. The Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards held its second session from 19 to 30 October 2009. H.E. Idriss Jazaïry, Permanent Representative of Algeria, was re-elected as a Chair-Rapporteur of the Committee by acclamation. Further information can be found in the report on the session (A/HRC/13/58).

89. The annual session of the Working Group of Experts on People of African Descent was held from 12 to 16 April 2010 and was chaired by Ms. Mirjana Najcevska. The experts discussed the issue of structural discrimination against people of African descent and activities to be organized in the framework of the International Year for People of African Descent in 2011. The report of the session contains summaries of deliberations and conclusions and recommendations (A/HRC/14/18). Furthermore, the Working Group of Experts on People of African Descent carried out two country visits: to Ecuador in June 2009 (A/HRC/13/59) and to the United States of America in January 2010.

D. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

90. In accordance with General Assembly resolution 64/148, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted his interim report to the General Assembly at its sixty-fifth session. The report highlighted all issues addressed and activities undertaken in the framework of his mandate since his previous annual report to the General Assembly (A/64/295). The Special Rapporteur underlined all these issues and activities, which are to be seen as a contribution to the global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

91. Among the issues addressed, the Special Rapporteur emphasized the thematic report submitted at the fourteenth session of the Human Rights Council (A/HRC/14/43). The report examined how conflict and racism, racial discrimination, xenophobia and related intolerance interrelate.

92. In the report, the Special Rapporteur recalled that to prevent the eruption of a conflict, it is of the utmost importance to identify early warning signs that help to recognize situations that might lead to conflict. Thus, as a complement to the tools developed by the Committee on the Elimination of Racial Discrimination and the Special Adviser on the Prevention of Genocide, the Special Rapporteur called upon all stakeholders to give due attention to certain issues, such as the way in which the concept of so-called "national identity" is debated within a given country, the presence of socio-economic discrimination against members of specific groups within the population, and political manipulation of racist or nationalist ideology. He is of the view that these issues, if dealt with inappropriately, might contribute to tension and eventually conflict. In his conclusions, the Special Rapporteur recalled that racism may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, in particular in the context of conflicts.

E. Special Rapporteur on the human rights of migrants

93. In the period under review, the Special Rapporteur on the human rights of migrants continued to raise awareness of the detrimental impact of racism, racial discrimination, xenophobia and related intolerance on the protection of human rights in the context of migration. In some of the communications exchanged with Governments (A/HRC/14/30/Add.1), the Special Rapporteur recalled the importance of addressing these issues and taking all necessary steps to eliminate continuing and violent trends severely affecting migrants and persons with a migrant background.

94. The Special Rapporteur also continued assisting States to enhance the protection of the human rights of migrants bearing in mind the fight against racism, racial discrimination, xenophobia and related intolerance. In the report on the country visit to the United Kingdom of Great Britain and Northern Ireland (A/HRC/14/30/Add.3), the Special Rapporteur recalled that profiling is contradictory to the principle of human dignity and appears inconsistent with the jus cogens prohibition of discrimination and recommended that the Government take all necessary measures to prohibit in law and practice the use of profiles that reflect unexamined generalizations, such as profiling based on ethnic or national origin or religion.

95. In his annual report to the Human Rights Council (A/HRC/14/30), the Special Rapporteur continued to refer to discrimination as one of the fundamental obstacles to the realization of the human rights of migrants, particularly to the rights to health and adequate housing for migrants, which were the major focus of his thematic report. The Special Rapporteur reiterated the central importance of the principle of non-discrimination in ensuring that migrants can fully exercise these rights not only as a matter of entitlement, but also as a means to ensure equitable human development and social integration of migrants in host societies.

96. In his annual report to the General Assembly (A/64/213), the Special Rapporteur on the human rights of migrants also drew attention to the interconnection between xenophobic and racist attacks against migrants and their non-national status. He recalled that in many cases, there are no legal channels for migration, which leads to irregular migration and often produces anti-migrant responses within society. The Special Rapporteur also recalled the need for a serious and in-depth approach to combat racism, racial discrimination, xenophobia and related intolerance, which are having a negative effect on the enjoyment of human rights by migrants. He also called upon all States to consider implementing the Durban Declaration and Programme of Action, as well as the Outcome Document of the Durban Review Conference.

IV. Conclusions and recommendations

A. Conclusions

97. Progress has been made in combating racism, racial discrimination, xenophobia and related intolerance. Nevertheless, these phenomena have not been eradicated and no country can claim to be free of their destructive influence.

98. Urgent measures are needed to reverse the worrisome trends over the last years of increasingly hostile racist attitudes and violence. Intercultural dialogue, tolerance and respect for diversity are essential for combating racial discrimination and related intolerance.

B. Recommendations

99. In order to review progress with regard to the comprehensive implementation of, and follow-up to, the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference, all stakeholders are invited to regularly submit inputs, in accordance with circulated requests for information.

100. Member States are encouraged to invite the Working Group of Experts on People of African Descent to carry out country visits, particularly in the light of the fact that 2011 is the International Year for People of African Descent. Member States, civil society organizations and other stakeholders are also encouraged to carry out activities in the context of the International Year for People of African Descent.

101. Member States and other stakeholders are invited to participate actively in the deliberations of the Durban follow-up mechanisms.

102. Member States which have not yet done so are encouraged to develop and implement national action plans to combat racial discrimination and related intolerance.

103. International and regional organizations are encouraged to intensify collaboration to fight against racism, racial discrimination, xenophobia and related intolerance.